

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO.: 4:19-cr-00490-RBH

vs.

JASON O'BRYAN MITCHELL

ORDER

This matter is before the Court on the Government's motion [ECF No. 64] for leave to dismiss the Superseding Indictment pending in the above-captioned case which charges Defendant with being a felon in possession of a firearm and ammunition, a violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) and 924(e) [ECF No. 38]. The Government represents that defense counsel does not oppose this motion.

Under Federal Rule of Criminal Procedure 48(a), the Court may give leave for the Government to dismiss an indictment. The Court finds that the Government's motion is made in good faith and is in the best interests of the Defendant and the public. *See United States v. Goodson*, 204 F.3d 508, 512 (2000) (holding that a district court should grant a Rule 48 motion "unless the court concludes that to grant it would be clearly contrary to manifest public interest, determined by whether the prosecutor's motion to dismiss was made in bad faith.").

Therefore, the Superseding Indictment is dismissed without prejudice.

IT IS SO ORDERED.

s/R. Bryan Harwell
THE HONORABLE R. BRYAN HARWELL
CHIEF UNITED STATES DISTRICT JUDGE

Florence, South Carolina
January 2, 2020